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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,296	10/31/2003	Valerio Giordano Riello	61487-60003	9876

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EXAMINER

FORD, JOHN K

ART UNIT PAPER NUMBER

3753

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,296

Applicant(s)

RIELLO, VALERIO GIORDANO

Examiner

John K. Ford

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

The Examiner affirms that the current PTO computerized records show the current attorney, Seth Watkins, as an attorney of record in this case, along with Messrs. Yohannan, Tobin, Coulby, Rygiel and Murphy.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 19 (as numbered in the margin), "inlet pipe" should read - - inlet tube - -. In claim 1, line 20, it claims that the cooling module (2) comprises a three-way valve V1. In Figure 1, the three-way valve is not shown as part of the cooling module but appears to be located outside of it.

Both in the specification and claim 3 the "capacitor" designated 11, is really element 14 in the drawings and is more conventionally called a - - condenser- - in this particular art. Please make appropriate changes to both the specification and claim 3.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of EP 0,508,245 and EP 0,468,318.

EP '245, invented by applicant, appears to show all of the claimed elements in the cover figure. Fan convectors are shown at 32, a supply pipe 6 and return pipe 5. An accumulator (storage reservoir) is shown at "O" (sic, 10). A three-way valve, as claimed, is shown at V3. A circulation pump P2 is shown. The only difference between what is currently claimed and what is disclosed by EP '245 is that the storage vessel is downstream of the pump P2 rather than upstream of it.

EP '318 teaches, in the same type of system as disclosed in EP '245, placing a storage reservoir 8 upstream of the pump P1.

To have placed a storage reservoir upstream of pump P2 (in the area between the "Tee" connection of conduits 5 and 7 and Pump P2) in EP '245 to assure the pump P2 an adequate supply of fluid would have been obvious to one of ordinary skill in the art, in view of the showing of EP '318.

Regarding claims 2 and 4, see the description of controller 16 in EP '245, incorporated here by reference.


Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 1-5 above, and further in view of Warnke USP 5,244,037.

Warnke reinforces the above rejection by teaching a liquid reservoir 16 in a return line 32 and a pump 40 drawing liquid from the reservoir and propelling it to the conditioning unit 14. The advantages of such a configuration are taught throughout the Warnke disclosure including easy servicing, filling and purging etc. To have formed pump P2 with an upstream tank in the prior art to EP '245/EP '318 would have been obvious to one of ordinary skill.

Application/Control Number: 10/697,296
Art Unit: 3753

Page 4

Any inquiry concerning this communication should be directed to John K. Ford at telephone number 571-272-4911.



John K. Ford
Primary Examiner